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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,347	06/15/2000	Mooi Choo Chuah	50-18	1042

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EXAMINER

NGUYEN, PHUONGCHAU-BA

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,347

Applicant(s)

CHUAH ET AL.

Examiner

Phuongchau Ba Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.7.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Objections

1. Claims 36, 40, 45, 48-49 are objected to because of the following informalities: the ":" (line 1, claims 36, 40, 45, 48-49) should be deleted or changed to a ---,--- because the colon ":" is indicating a list of items or steps to be followed wherein claims 36, 40, 45, 48-49 lack of. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 36, 45, 48-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The enabling subject matters are "a continue call/connection request"(claims 36, 45, 48-50) and "directing a

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radius server, operatively coupled to the packet server, to transmit a message signal to a radius server, operatively coupled to a second packet server”.

Claims 37-39, 46-47, 51-52 are rejected as being depended on claims 36, 45 and 50.

Claim Rejections – 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 38, 46, 51, 56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding the method claimed, claim 38 is vague and indefinite because it is not clear which message signal (i.e., “a message signal” in claim 36, line 2 or claim 38, line 2) that the message signal in line 2 of claim 38 is referred to. Claims 46 (line 3) and 51 (line 2) also have the same problem as claim 36.

6. Claim 56 is vague and indefinite because it is not clear what is meant by “directing a radius server, operatively coupled to the packet server, to transmit a message signal to a radius server, operatively coupled to a second packet

server". Also, please clarify why would the radius server directing itself to transmit a message signal to itself.

Claims 36, 45, 48-50 are vague and indefinite because the claims are not clear what is meant by "a continue call/connection request". Please define.

Claims 37-39, 46-47, 51-52 are rejected as being depended on claims 36, 45 and 50.

Claim Rejections – 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed

before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 36–56 are rejected under 35 U.S.C. 102(e) as being anticipated by Rauhala (WO 98/47302).

–As claims 36, 45, 50, 53:

Rauhala (WO 98/47302) discloses an apparatus (fig.1) comprising packet equipment (switch 10, fig.1) configured to be responsive to a hand-off notification (radio connection between mobile and BTS1 weaken thus inherently indicating that mobile needs handoff—emphasis added, page 7, lines 16–17) associated with an existing wireless data call by transmitting a message signal (signaling message, page 8. line 1–2) to a packet server (BTS1), the message signal including a communication path set-up request and a continue call request for establishing, in accordance with a tunneling protocol, a communication path (connection 13) with the packet server (10) for the existing wireless data call.

-As claim 37, Rauhala further discloses wherein the packet equipment is a network access server {page 7, lines 20-21}.

-As claim 38, Rauhala further discloses wherein the packet equipment is configured for receiving a message signal from the packet server, the message signal being responsive to the communication path set-up request and the continue call request {page 8, lines 17-18}.

-As claim 39, Rauhala further discloses wherein the packet equipment is configured for transmitting a second message signal to the packet server, the second message signal being responsive to the message signal received from the packet server {page 8, lines 19-21}.

-As claim 40:

Rauhala disclose an apparatus comprising packet equipment (switch 10, fig.1) configured to permit an existing wireless point-to-point connection (13) with a first packet server (BTS1) to be transferred to a second packet server (BTS2), the packet equipment (switch 10) initiating the transfer in response to a

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hand-off notification (radio connection between mobile and BTS1 weaken thus inherently indicating that mobile needs handoff—emphasis added, page 7, lines 16–17) associated with the existing point-to-point connection, the packet equipment (switch 10) being further configured for establishing a tunnel (12) to the second packet server (BTS2) to convey packets from a source which previously conveyed packets over a tunnel (11) established between the first packet server and the packet equipment.

–As claim 41, Rauhala further discloses wherein the packet equipment is configured to be responsive to signaling received from the second packet server {page 8, lines 19–21}.

–As claim 42, Rauhala further discloses wherein the packet equipment is configured for transmitting signaling responsive to the signaling received from the second packet server {page 8, lines 19–21}.

–As claim 43, Rauhala further discloses wherein the packets are encapsulated in another packet {page 8, lines 7–8}.

–As claim 44, Rauhala further discloses wherein the packet equipment (switch 10) is configured for transmitting a message signal to the second packet server, the message signal including a communication path set-up request and a continue call request for establishing a communication path (12) with the second packet server for the existing point-to-point connection (13) {page 8, lines 4–7; page 7, lines 25–27}.

–As claim 46, Rauhala further discloses wherein the packet equipment associated with the first radius server (BTS1) is configured for receiving a message signal (tunnel-signaling message) from the packet equipment (switch 10) associated with the second radius server (BTS2){page 8, lines 4–7}, the message signal being responsive to the continue call request (handover, as when radio connection between mobile and BTS1 weaken thus inherently indicating that mobile needs handoff—emphasis added, page 7, lines 16–17).

–As claim 47, Rauhala further discloses wherein the packet equipment (switch 10) associated with the first radius server (BTS1) is configured for transmitting a

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second message signal (response-signaling message, page 8, lines 17-18) to the packet equipment (switch10) associated with the second radius server (BTS2), the second message signal being responsive to the message signal (tunnel-signaling message, page 8, lines 4-7) received from the packet equipment (switch 10) associated with the second radius server (BTS2).

-As claims 48-49:

Rauhala discloses an apparatus (fig.1) for transferring packet data comprising a packet server (switch 10) configured for maintaining a wireless point-to-point connection (11) established with a first packet server (BTS1), transmitting a message signal (signaling message, page 8, lines 1-2) which includes a continue connection request (handover request) to a second packet server (BTS2) in response to receipt of a hand-off notification (radio connection between mobile and BTS1 weaken thus inherently indicating that mobile needs handoff—emphasis added, page 7, lines 16-17), transmitting a message signal to the first packet server (BTS1) which includes notification that the point-to-point connection between the packet server (BTS1) and the first packet server (switch 10) is to be disconnected {page 8, lines 25-26}, and

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transferring the point-to-point connection to the second packet server (BTS2), wherein point-to-point connections between the servers (BTS1, BTS2) are established according to a tunneling protocol (page 8, lines 4-7).

-As claim 51, Rauhala further comprises receiving a message signal (response-signaling message, page 8, lines 17-18) from the second packet server {page 8, lines 17-18}, the message signal being responsive to the communication path set-up request and the continue call request {page 8, lines 4-7}.

-AS claim 52, Rauhala further comprises transmitting a second message signal to the second packet server {page 8, lines 19-21}, the second message signal being responsive to the message signal (response-signaling message, page 8, lines 17-18) received from the second packet server.

-As claim 54, Rauhala further comprises receiving a message signal (response-signaling message, page 8, lines 17-18) from the second packet server (BTS2), the message signal being responsive to the continue call request signal {page 8, lines 4-7}.

-As claim 55, Rauhala further comprises transmitting a second signal to the second packet server (BTS2) {page 8, lines 19-21}, the second signal being responsive to the message signal (response-signaling message, page 8, lines 17-18) received from the second packet server (BTS2).

-As claim 56:

Rauhala discloses a method for use in a packet server comprising the steps of:

receiving a hand-off notification (radio connection between MS and BTS1 weakens so much thus notifying for handover to BTS2) for a wireless call to a first packet server (BTS1) {page 7, lines 16-17};

directing a radius server (switch 10), operatively coupled to the packet server (BTS1), to transmit a message signal to the packet server (BTS1){emphasis added}, and a radius server operatively coupled to a second packet server (BTS2), the message signal including a continue call request for establishing a communication path, in accordance with a tunneling protocol, with the second packet server {page 8, lines 4-7}; and

completing the hand-off for the wireless call by subsequently transmitting packets to the second packet server such that the wireless call is not dropped {page 8, lines 25-28}.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 703-305-0093. The examiner can normally be reached on Monday-Friday from 11:00 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 703-308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuongchau Ba Nguyen
Examiner
Art Unit 2665



STEVEN H. D. NGUYEN
PRIMARY EXAMINER